

ORDINANCE NO. #06-02-06

GRANTING AN ELECTRIC FRANCHISE TO ALABAMA POWER COMPANY, ITS SUCCESSORS AND ASSIGNS IN THE CITY OF RED BAY, ALABAMA

BE IT ORDAINED by the CITY Council of RED BAY as follows:

Section 1. In consideration of the benefits that will accrue to the CITY of RED BAY and the inhabitants thereof, Alabama Power Company, its successors and assigns, hereinafter referred to as the Grantee, is hereby given and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and conduct in said CITY a system of poles, towers, conduits, cables, conductors, transforming stations, fittings and all appliances or appurtenances necessary or desirable to the transmission, distribution or sale of electric current for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges, and public places in said CITY as they now exist or may hereafter be laid out or extended, together with the further right, privilege, and franchise to construct, erect, suspend, install, renew, repair, maintain and operate such poles, towers, conduits, cables, wires, conductors, transforming stations, fittings and all appliances and appurtenances necessary or desirable to the transmission within, unto, through, over and beyond said CITY and furnishing, supplying and distributing to said CITY and to the inhabitants and corporations, both within and beyond the limits thereof, electric energy for lighting, heating, power and all other purposes for which electric energy may be used now or hereafter, and for the purpose of extending its lines and furnishing electric current beyond the limits of said CITY.

Section 2. The poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances and appurtenances composing said lines shall be so constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways, bridges and public places in said CITY and shall be maintained in a reasonably good condition and repair.

Section 3. Whenever the Grantee shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges or public places of said CITY for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables and other appliances, the work shall be completed within a reasonable time and the Grantee shall upon the completion of such work restore such portion of the streets, avenues, alleys, ways, bridges or other public places to as good condition as it was before the opening or alteration was so made.

Section 4. The Grantee shall hold said CITY harmless from any and all liability or damages resulting from the negligence of the Grantee in the construction, maintenance or operation of said poles, towers, conduits, wires, cables and other appliances.

Section 5. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as a condition for the sale or distribution by it of electric current to any person, firm or corporation.

Section 6. In the event the supply of electric energy should be interrupted or fail by reason of accident or otherwise beyond the control of the Grantee, the Grantee shall restore the service within a reasonable time, and such interruption shall not constitute a breach of this franchise, nor shall the Grantee be liable for damages by reason of such interruption or failure.

Section 7. The Grantee shall install and maintain, free of charge, meters for measuring current, and shall have free access to the premises of the consumer, from time to time, for the

purpose of reading, repairing, testing and maintaining the meters and appurtenances and shall have the right to make the minimum charges prescribed or approved by the Alabama Public Service Commission for the electric service furnished hereunder, whether electric current of that value is used or not. Such meters shall remain the property of the Grantee.

Section 8. The Grantee shall not have the right to make charges for electricity furnished under this franchise in excess of the rates and charges prescribed or approved by the Alabama Public Service Commission and set forth in the Grantee's respective Service Classifications and rates applicable to the service so furnished by it.

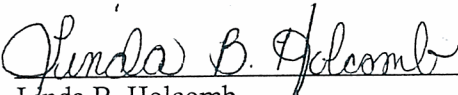
The Grantee shall not be required to furnish electricity to any person, firm or corporation until satisfied of their financial responsibility and may require reasonable security to insure payment for electric energy to be furnished hereunder.

Section 9. The rates and charges for electric energy furnished hereunder shall at all times be subject to alteration, regulation and revision by the Alabama Public Service Commission, or other State Commission vested with such power.

Section 10. Wherever in this ordinance either the CITY or the Grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either, and all rights, privileges and obligations herein conferred shall bind and inure to the benefit of such successor, successors, or assigns of said CITY or of the Grantee.


Section 11. The Grantee, its successors or assigns, shall, within ninety (90) days after the approval of this ordinance by the Mayor, file a written acceptance of the franchise herein granted with the CITY Clerk.

Adopted this the 6th day of February, 2006



Linda B. Holcomb
City Clerk
City of Red Bay

Approved this the 6th day of February, 2006



Jeff Reid
Mayor
City of Red Bay